

Combined Management Advisory Committee Workshop

15 and 16 November 2004  
(9:30am-5:30pm)

**Marine and Estuarine Recreational Charter  
Management Advisory Committee**

**Final minutes**

**6<sup>th</sup> MEETING, 2/04  
16 November 2004 (2:30-5:00pm)**

**Venue: Mercure Hotel Sydney Airport  
20 Levey Street  
Arncliffe, NSW 2205**

**Attendance**

**Chair**

Mr Brian Beer

**Members**

Mr Peter Bolic  
Ms Margaret Dodson  
Mr James (Jim) Booth  
Mr Peter Sayre  
Mr James (Jim) Lumb  
Ms Ann Garard  
Mr Patrick Lock  
Dr Maria Schreider

**Representative**

Far North Coast  
Mid North Coast  
Central Coast  
Sydney  
Sydney  
Illawarra  
Aboriginal Culture  
Nature Conservation Council

**Observers**

John Diplock, Principal Manager Recreational Fisheries  
Nick James, Manager Recreational Fisheries

## **Business**

### *Welcome*

### *Apologies*

Keith Appleby, David Taylor, John Stevens.

Pat Lock attended the workshop but was unable to attend the MAC meeting.

### *Minutes of previous meeting*

#### **Recommendation**

The minutes are a true and accurate record of discussions from the 5<sup>th</sup> MERCMAC meeting.

Moved: Jim Lumb

Seconded: Jim Booth

**Carried**

### *Business arising from the minutes*

Nil.

## **Agenda Items**

1. Options for estuary-based charter fishing boat operations, for recommendation (Nick James)
2. Issues raised by industry, for information (Nick James)
  - Region 1 – Use of spanner crab nets; Compliance issues; degradation of reef areas by commercial prawn and fish trawling activities.
  - Region 3 - Super Trawler “Veronica”; update on Manning Bioregional Assessment
  - Region 5 – Compliance issues; cleaning of fish; boat limits.

### *Other business*

- Election and Expression of Interest process for positions that expire in February 2005, for information (Nick James)
- Development of compliance/information guide, for information (Nick James)
- Status of Club boats, for information (NJ/JD)

### *Correspondence received*

- Letter from DAFFA re: charter fishing management arrangements, for information.
- Letter from Shane Mayberry, recreational fisher, regarding charter fishing activities, for information.

### *Around the table*

*Next meeting – Thursday 19 May 2005 (1/05). Meeting 8 (2/05) proposed for 15/09/05.*

**Issue**

Options for estuary-based charter fishing boat operations.

**Background (provided by NSW DPI)**

NSW DPI - Fisheries previously tabled a request for estuary-based owner/operators to have the flexibility to be able to use a smaller, alternate vessel/canoe, without the need to purchase additional licences or for frequent boat replacements, to enable the business to operate in the upper reaches of estuaries. This flexibility would enable the business to operate as it did historically, by allowing access to all areas and methods of estuary fishing, but with the use of only one boat at any one time.

There was general support from the committee for operators to have more flexibility to operate in a manner consistent with the history of the charter fishing business. The committee asked the Department to prepare a paper outlining advantages and possible problems arising from the proposed changes. NSW DPI met with a number of estuary operators to discuss the issue in greater detail and assist with the development of a proposal for consideration by the committee.

An options and issues paper relating to this proposal was thoroughly discussed at the last meeting. The proposal only allows for one boat to be used at any time. The alternate boat would have a maximum fishing capacity equal to, or less than, the current capacity, so there is no possible increase in effort associated with this proposal.

The committee requested clarification of the NSW Maritime Authority's (previously Waterways) survey requirements for small vessels and the opportunity to consult operators further, prior to making a final recommendation. The following information regarding survey requirements for small vessels was received from Mr Shankar Ramanathan, Senior Surveyor (Technical), Commercial Operations Branch, Maritime Authority, on 29 July 2004 and forwarded to members for out of session consideration/discussion with industry:

*I refer to your letter enquiring about the requirements relating to the commercial use of small boats. Any vessel (however small) carrying fare-paying passengers and to be used for charter fishing operations should be brought into "survey" and should conform to the requirements under the Commercial Vessels Act 1987.*

Members agreed that validation/assessment of history to determine eligibility would be difficult/costly. Should operators that did not historically fish the upper reaches have this opportunity? Members stated that the guidelines should be very specific to ensure there is not a blowout of estuarine fishing effort. The NCC representative stated that if there is no way for fishing effort to increase, the industry should make a favourable recommendation on this issue.

Proposed guidelines/identification of eligible CFB operations:

- The owner of the CFB licence is the sole operator of the business;
- The existing licence has Estuary, or Estuary and Nearshore Bottom & Sportfishing endorsements only;
- Existing CFB up to a maximum of 7m in length;
- Maximum carrying capacity of 7 (6+1) as at 4/8/99;

If the proposal is introduced:

- The alternate boat would need to be registered (similar to commercial fisheries) as required by the NSW Licensing Policy;
- CFB number to be the same as the existing licensed boat, with an "A" at the end (eg CFB12345A) to clearly show that it is licensed as an alternate boat;
- Eligible operators could have a one-off choice of a smaller boat (eg tinny) or canoe.
- The carrying capacity of the alternative boat would be less than or equal to the capacity of the existing boat/licence, as at 4/8/99.
- There will be an additional Licence Condition regarding the operation of the vessel/s (i.e. only one boat can be used at any one time). If an operator is found to be working the existing CFB and the alternate boat at the same time (eg concurrently or as a separate operation using another skipper), the registration of the alternate boat will be cancelled.
- If the current owner transfers the licence, the new owner should be eligible to re-apply for use of the alternate boat.
- Operators need to provide NSW Maritime Authority information to show that the alternate vessel is in survey.

*Example of NSW DPI determination:*

At present there are 30 licensed CFBs that hold Estuary or Estuary and Nearshore Bottom & Sportfishing endorsements only and are less than 7m in length. Of these, 27 have a capacity of 7 (6 + 1) or less. Therefore, potentially there are 27 operations that fit within these parameters. Some of these operators may not need the flexibility of an alternate boat (i.e. the existing vessel may be suitable for all activities in their area/estuary of operation). NSW DPI could provide operators with a one-off opportunity to apply for use of an alternate boat and permit its use through an additional licence condition on those licences.

### **Outcomes**

It was confirmed that the intention of the proposal is that only one boat can be used for fishing at any one time. It was suggested that other estuary-based charter fishing boat operators, who may fall outside one or more of the proposed eligibility parameters, should also be given the opportunity to apply for use of an alternate vessel.

One member suggested that the opportunity to apply for use of an alternate estuary boat should be available to all licensed charter fishing boat operators. However, as this goes against the intention of the proposal and would allow estuary charter fishing effort to increase beyond historical levels, the MAC did not support this position.

The Committee was unanimous in its position that proof of vessel survey/exemption from survey (from the NSW Maritime Authority) must be provided by each applicant before use of an alternate boat would be authorised.

Members unanimously supported the proposal as outlined and requested that the Committee have the ability to consider other related issues if they arise over time.

### **Recommendation**

The Committee supports the alternate boat proposal.

Moved: Peter Sayre

Seconded: Jim Booth

**Carried**

**Issue**

Issues raised by Industry.

**Background**Region 1 issues**Use of spanner crab nets** (information provided by Industry representative)

Can the charter fishing sector use spanner crab dillies in a trotline method, similar to the commercial sector? If allowed, this fishing would lessen the impact for a few hours on finfish stocks.

*Background information provided by NSW DPI (Wayne Currie, Senior Investigator, Fisheries Investigation Unit):*

Clause 47(1)(c)(i) & (ii) provide the method of use and the number of spanner crab nets that a person may use at any one time. There are two classes of charter fishing endorsements where this method is applicable (i.e. nearshore bottom fishing and sportfishing or deep sea bottom fishing).

This clause does not stipulate the method for marking each net, therefore, markings must be in accordance with cl.69 (1) and more particularly (2)(b) and (3). The CFB operator could provide tags, floats etc to identify each trap used, or the traps could possibly be identified by the boat registration on a single float at the surface [as per cl.69 (2)(b)], with each trap individually marked.

It may also be possible to mark a single float with the CFB's details, as long as the number of traps remains consistent with the number of guided recreational fishers on board and in accordance with that boat's carrying capacity. Vertical lifting of the gear may be possible by using a trotline method.

This would minimise the number of floats on the surface. The visual pollution effect would be reduced, particularly if other CFB operators do the same and not as what the current prescribed method allows.

In all cases bag and size limits are applicable. The Department would want to ensure the bag/size limit rules are not abused and that there is no expansion of conflict between Recreational and Commercial fishers. Maybe the less sighted gear would do so, however the sighting of lifting traps by trot lining could on the other hand have the potential to cause added conflict with ocean trap and line fishers.

If the committee supports this request, the Ocean Trap and Line MAC will be advised of the proposal and asked to provide comment, prior to a final recommendation being made.

**Degradation of reef areas by commercial prawn and fish trawling activities** (information provided by Industry representative)

Reef areas need to be urgently mapped out, along with the introduction of VMS units to prawn and fish trawlers. Large areas of fern and wireweed country are being damaged, thus destroying huge fish habitat areas. We have to have prawn and fish trawlers, but as these are the bulldozers of the ocean we have to protect our limited fragile reef areas as these reef areas are not huge on the north coast.

*Background information provided by NSW DPI*

Management responses 1.1(a) and 1.1(b) of the Environmental Impact Statement for the Ocean Trawl Fishery specifically aim to address these concerns. Copies of this information will be distributed and discussed at the meeting.

***Enforcement of unlicensed charter fishing boats*** (information provided by Industry representative)

Unlicensed, Queensland-based charter fishing boats accessing and fishing in NSW waters. Information has been sent to Fisheries Officers and the Fisheries Investigation Unit for action.

*Background information provided by NSW DPI*

Compliance Officers are continuing to investigate these matters. Please note that the Administrative Decisions Tribunal, on 28 October 2004, notified DPI Fisheries' Legal section that licences have recently been re-instated for 2 Queensland-based charter fishing boats (Sea Probe II and Sea Probe III), following review of the Department's decision to cancel the licences.

*Region 3 issues*

***Super Trawler "Veronica"*** (information provided by Industry representative)

The matter of this Irish fishing boat supposedly coming into Australian waters has been brought up constantly. Surely this is against everything that we have discussed re sustainable fisheries resources.

*Background information provided by NSW DPI*

On Friday 10 September 2004 a Section 8 closure was implemented to maintain the integrity and intent of the commercial fisheries licensing policy with regard to vessel upgrades for those operators who hold fishing businesses with both State entitlements and Commonwealth tuna entitlements.

The policy allows for operators who hold these packages to upgrade their vessels in accordance with any maximum vessel size required by the Commonwealth and, allows that vessel to operate in State waters, provided there is no increase in effort or catch in the State fisheries in which the business is entitled to operate. Following removal of the vessel size restrictions in the Commonwealth fishery, NSW has implemented a closure that maintains the previous maximum vessel size, in order to protect its fishing industries and marine environment.

A copy of the closure notice was sent to all Councils and Committees out of session for their information. Additional copies will be available at the meeting.

***Update on Manning Bioregional Assessment*** (information provided by Industry representative)

There has been much discussion of the proposed limiting of fishing areas in this area if/when the National/Marine Park is imposed on this area. If you can get any information that would be appreciated.

*Background information from Marine Parks Authority website:*

*The Marine Parks Authority has prepared biodiversity assessments of New South Wales' five bioregions. With the assessment and declaration process complete for the Tweed-Moreton bioregion, new marine parks will be created over time in the Manning, Hawkesbury and Batemans shelf bioregions, based on outcomes from the bioregional assessments.*

An extract of the report titled "Broadscale Biodiversity Assessment of the Manning Shelf Marine Bioregion" has been included below. The full, 147 page report may be viewed at [www.mpa.nsw.gov.au/pdf/Biodiversity\\_Manning\\_Shelf.pdf](http://www.mpa.nsw.gov.au/pdf/Biodiversity_Manning_Shelf.pdf).

*This study provides basic information to help plan a representative system of marine protected areas in the Manning Shelf Bioregion and methods to systematically examine options for the Manning Shelf and other areas of New South Wales. Even at the broad scale of this study, a number of patterns were evident. Clearly the current system of marine protected areas for the Manning Shelf does not provide comprehensive, adequate or representative protection for biodiversity or ecological processes.*

*There are no marine parks in the bioregion and only one aquatic reserve protecting just 0.8 km<sup>2</sup> of estuarine reef, beach, subtidal sediments and rocky shore at Fly Point/Halifax Park, Port Stephens. This represents the total area in the bioregion where fish and marine invertebrates are protected within MPAs from fishing. As a percentage, this translates to 0.03% of the marine bioregion within NSW waters, or to 0.008% of the bioregion's waters if Commonwealth waters beyond 3 nm of the coast are considered.*

*Large areas of fringing saltmarsh, mangrove and open water in several estuaries are included in nature reserves or national parks, but these areas do not on their own provide direct protection for fish or marine invertebrates from fishing. A few small areas of intertidal ocean beach and rocky shore are also included in National Parks estate, but ocean areas beyond the shore are virtually unrepresented.*

*While nature reserves and national parks include a reasonably comprehensive selection of estuarine areas, this selection is biased towards the terrestrial and freshwater fringes of estuaries. The area of ocean ecosystems and habitats represented in MPAs is almost negligible and the potential for improvement is considerable, given rapid increases in population and coastal development in the region.*

*A number of different areas of high conservation value were identified using currently available information. These areas were those that tended to best meet criteria for representing a range of ecosystems, habitats and species in locations with protected foreshores and catchments and waters relatively unaffected by human impacts.*

*The options for exactly where MPAs are established are relatively flexible for all but a few criteria. There is, therefore, the potential to apply reserve design criteria to achieve more effective management and to accommodate, and even promote, a range of sustainable human activities while still meeting conservation objectives. It is hoped that the information and techniques from this study prove useful in assessing these alternatives, and in providing a basis for more detailed research, management and consultation.*

#### Region 5 issues

**Compliance issues** (information provided by Industry representative)

Illegal operation?

Please refer to the attached photo and advise the status of this boat. It has no survey number, registration number or CFB number and is moored on the commercial boat wharf in Bermagui in a highly visible position. It has been taking people to sea for fishing. Other licensed boats have been checked by NSW Fisheries on various occasions but this one does not get approached. Please explain.

*Background information provided by NSW DPI*

The Compliance team has advised that there are two boats bearing the name "Good Times". One is a licensed charter boat, currently in operation and the other, which is the boat moored in Bermagui Harbour, is not operational. No offence is committed unless the boat is actually used for charter activities. This situation will require ongoing monitoring.

***Cleaning of fish*** (information provided by Industry representative)

Under current rules it is an offence to mutilate fish anywhere except at a recognised cleaning station. Licensed charter boats should be permitted to have fish cleaning on their boats and at their berths provided no mutilation of fish with a legal size limit occurs. Perhaps filleting could be permitted on licensed charter boats if the frames are retained for size checking?

*Background information provided by NSW DPI*

The Compliance team was asked if a charter fishing boat could be considered as a place ordinarily used for the cleaning of fish [under cl.131(2)(c)] even though it is *a place that is in or on any waters*, or could a permit be issued to a charter fishing boat/operator under S.37 of the Act to enable the activity. Advice received states that the term "place" could be loosely construed to include a boat, but the fact that a charter boat is *in or on any waters* specifically excludes it from the provisions of cl.131(2)(c). Consequently, a charter boat could not be considered as *a place ordinarily used for the cleaning of fish* under that clause. The question of whether licensed charter fishing boat operators should be able to fillet fish at sea and/or at the dock will be discussed at the meeting.

***Boat limits*** (information provided by Industry representative)

Who is responsible for ensuring a boat limit is not exceeded - the angler or the master? If anglers are responsible for fish in their own eskies and the master for those in the boat's eskies, then the same should apply to boat limits. It is not always possible to watch every fish come in and where it goes.

*Background information provided by NSW DPI*

It is the responsibility of the operator/licence holder to ensure that boat limits are not exceeded. This applies to the boat limit of 10 gemfish, as well as catches retained under the provisions of cl.310 (4).

Individuals on board the charter fishing boat are responsible for general bag and size limit rules.

**Outcomes**

Region 1 issues

*Use of spanner crab nets* - It was stated that the use of spanner crab nets in a trotline method appears to be permitted under the current Regulation, provided the same number of floats (individually identified) are grouped together at the surface.

NSW DPI Fisheries will seek further input from the compliance team regarding options for the use of this method by charter fishing boat operators, particularly relating to the number and identification of floats/traps, and advise MERCMAC/OTLMAC of developments.

*Degradation of reef areas by commercial prawn and fish trawling activities* – Information noted.

*Enforcement of unlicensed charter fishing boats* – Information noted.

Region 3 issues

*Super trawler "Veronica"* – Information noted.

*Update on Manning Bioregional Assessment* – Information noted. Mr Graeme White, Principal Manager, Policy, has been requested to contact the region 3 representative to discuss this issue in greater detail.

Region 5 issues

*Compliance issues* – Information noted.

*Mutilation/filleting fish at sea* – The Committee has requested consideration for the charter fishing sector to be able to fillet fish at sea and/or at the wharf, provided the frames are retained for all fish with a size limit. This request will be discussed with the compliance team.

*Boat limits* - The Committee reiterated that it does not support boat limits of any sort for recreational fishers and requested that ACoRF be advised of this position.

**Recommendations**

*1. Spanner crab nets*

The Committee supports the use of spanner crab nets in a trotline method by charter fishing boat operators.

Moved: Jim Booth

Seconded: Peter Bolic

**Carried**

*2. Mutilation/filleting fish at sea*

The Committee recommends that the Department consider allowing charter fishing boat operators to fillet fish at sea and/or at the wharf, provided the frames are retained for all fish with a size limit.

Moved: Jim Booth

Seconded: Peter Bolic

**Carried**

Other business (Nick James)

- *Election and Expression of Interest process for positions that expire in February 2005, for information).*

*Elections are required to fill the Industry position for Mid North Coast (Region 2 – Margaret Dodson); Sydney (Region 4 – Jim Lumb); Illawarra (Region 5 – Ann Garard); and Far South Coast (Region 7 – Keith Appleby). The State Electoral Office recently provided the timetable for the nomination/election process. An invitation for nominations will be advertised/sent to all relevant operators by the Electoral Office on Friday 12 November 2004. The nomination process will close at noon on Friday 10 December 2004.*

*An expression of interest will also be advertised in the near future to fill the Indigenous, Commercial and Recreational fishing positions on the MAC. All members are encouraged to seek nomination/re-apply for their position.*

Margaret Dodson, representative for the Solitary Islands/Mid North Coast region, advised the Committee that she will no longer be an industry representative on MERCMAC and ACoRF, due to a change in ownership of their charter fishing business.

#### **Recommendation**

The Committee nominates Ms Ann Garard to take over as the charter boat (MERCMAC) representative on ACoRF, subject to re-appointment to MERCMAC.

Moved: Jim Lumb

Seconded: Margaret Dodson

**Carried**

- *Development of a charter fishing information guide for operators and the general public, for information (Nick James)*

*A copy of the draft guide will be distributed to members for information, prior to printing the final document.*

Members were provided with a copy of the draft guide and asked to provide final comments within 2 weeks of the meeting. The guide will then be finalised and printed.

- *Status of Club boats, for information (NJ/JD)*

*John Naughton, Supervising Fisheries Officer - Metropolitan Zone, interviewed the President of Souths Juniors Fishing Club (Mr Andrew Muller) re: fishing activities of the vessel 'Souths Juniors'. The following information was ascertained:*

*The owner of the vessel is the Souths Juniors Rugby League Club. A full time skipper is employed by Souths Juniors to operate and maintain the vessel. The vessel is also used from time to time for scenic trips around Sydney Harbour for Souths Juniors members. Souths Juniors Fishing Club is part of Souths Juniors Leagues Club. They have approximately 140 members of which only about 20 fish regularly. The vessel is used for fishing each Wednesday (usually offshore). Only Souths Juniors fishing club members can go on the boat. Fishing club members pay an annual fee of \$5 (on top of their regular Souths Juniors membership fee). There is no separate fee associated with going on fishing trips. Members going on fishing trips provide their own food/refreshments, fishing tackle and bait and advise the skipper of which reef/s they want to fish on any given day. The participating members also pay for the fuel used*

*per trip. The skipper of the vessel does not participate in any fishing activity. He merely drives the boat.*

*It would appear that the Souths Juniors vessel is not operating as a charter fishing boat as defined under NSW Fisheries legislation.*

The Committee has requested a full report from the relevant Departmental Officer regarding the Compliance/Legal advice received, at the next meeting. The Department confirmed that it is continuing to consider ways to address these concerns.

#### *Correspondence received*

- *Letter from DAFFA re: charter fishing management arrangements, for information. A copy of a letter from Mr Daryl Quinlivan, Executive Manager, Fisheries and Forestry, regarding management arrangements for charter fishing boats, will be distributed and discussed at the meeting.*

The Committee noted the information regarding charter fishing management arrangements.

- *Letter from Shane Mayberry, recreational fisher, regarding charter fishing activities. Mr Mayberry has expressed strong concerns regarding the level of catches and queried the use of Exemption Certificates on charter fishing boats. Mr Mayberry's letter will be distributed and discussed at the meeting.*

The Committee noted Mr Mayberry's concerns.

- *Letter from Mr Lawrie McEnally, charter fishing boat operator, requesting the provision of information regarding licensed charter fishing boats in NSW.*

The Department presented a list including boat name, CFB number, licence status and homeport for all NSW licensed charter fishing boats. The Committee strongly supported the provision of information, as presented, to all licensed charter fishing boat operators.

#### *Around the table*

- The Committee expressed concerns that some fishers have experienced difficulty in paying their renewal fees on time, as the Department will not accept payment without a copy of the current survey certificate for the vessel. It was highlighted that this is not always available due to delays in receiving the updated information from the Maritime Authority (Waterways). It was suggested that fishers not be fined for late payments if it is a result of a delay with the provision of survey information from the Maritime Authority. The Department will consider introducing a licence condition to address this issue.
- The MAC requested that the contact details for Committee members be displayed on the NSW DPI Fisheries website.
- RFSMPC issues - It was confirmed that proposals considered by the planning committee to date are being finalised and that consultation will occur in the near future. Members mentioned that species such as cobia, samsonfish and amberjack should be considered as part of the review of size and bag limits.

- The question was asked whether a CFB operator can refuse to let a Fisheries Officer board the vessel at sea if the operator deems conditions to be too dangerous? Clarification will be sought from the Compliance team on this matter.
- The Committee was advised that amendments to the *Fisheries Management Act 1994* (relating to the responsibilities of the licence holder and instalment payment options) are proceeding. Further consultation will be undertaken on these issues in the near future.
- Endorsement structure – a request was made for the Department to consider removing the current endorsement structure (i.e. Estuary, Nearshore Bottom and Sportfishing, Gamefishing and Deep Sea Bottom fishing) over time.
- Members were advised that Kiama Council is considering a tourism-based proposal to allow “boats” to sell catches. The Department requested the representative seek further information and advise of any developments.
- Economic assessment/business plan – It was mentioned that a buy-back/business plan should be established by industry, to determine the value of charter fishing activities to the NSW economy. The rationale being that if, for example, access to an area is denied due to the introduction of a marine park/grey nurse shark critical habitat area, the value of the industry will already have been determined if compensation/buy-back issues arise.

The Department indicated support for the development of a business plan for the charter fishing sector. It was also mentioned that Dominion Consulting was intending to submit an application for funding from the saltwater trust to undertake an economic assessment of the NSW charter fishing sector.

*Next meeting – Thursday 19 May 2005 (1/05). Meeting 8 (2/05) proposed for 15/09/05.*